

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated June 15, 2006, and reconsideration of that Action is requested in view of the following comments.

It is noted that the restriction requirement is still deemed proper and that the restriction requirement has been made final. Accordingly, claims 6 and 8-10 stand withdrawn from further prosecution in this application. Applicant is currently considering whether or not divisional applications should be filed on the non-elected subject matter.

Applicants respectfully submit that the rejection of claims 1-3, 5 and 7 is not well founded, and it is therefore requested that the rejection be reconsidered and withdrawn. Fundamentally, applicants' position is that the combination of prior art relied upon does not suggest the apparatus invention defined in these claims. Moreover, it is respectfully submitted that the rejection is based on prohibited hindsight where the Examiner has collected portions of the four cited references without an underlying basis to do so, and instead has improperly relied upon the present disclosure as a blue print for the reconstruction of the prior art.

It is abundantly clear that the claimed apparatus features include a continuous overall operation where onserts are formed, transported and applied to goods utilizing very specific structural components without any inventory storage of onserts. Contrary to the scenario set forth in the rejection of the claims, there is no intermediate inventory or collection of onserts prior to application to the goods. The boxing of onserts is clearly the overall purpose of the Vijuk reference while the Bahr reference utilizes already formed onserts that are presented in magazines 22.

Relying upon the Dreher reference, the Examiner combines Vijuk and Bahr, but even this combination falls short of the apparatus features recited in the rejected claims. Specifically, in the rejection of these claims the Examiner states that stacks of onserts produced by Vijuk would be removed and placed in magazines for application in the Bahr apparatus. In the present invention there is no intermediate inventory of stacks of onserts and instead each onsert is formed, transported and applied to goods without any intermediate inventory thereof.

Additionally, the combination of references relied upon in the rejection of claims 1-3, 5 and 7 do not suggest the transport system of the present invention where the cut-apart folded onserts are received and moved along diverging paths. This failure is noted by the Examiner, but nevertheless dismissed in the improper rejection of the claims.

Claim 4 stands rejected over the same combination of prior art utilized in the rejection of claims 1-3, 5 and 7, and in addition utilizing the disclosure of the Joice reference. Applicants' position is that claim 4 distinguishes over the art for the same reasons noted above and additionally because Joice fails to disclose or suggest the particular suction rails specifically recited in claim 4.

As amended, claim 4 recites stationary suction rails in direct contact with the onserts, and as explained in the specification the folded onserts are drawn onto the rails so that the lugs on the moving belt conveyor engage the trailing edge on each onsert to thereby properly space the onserts on the lug belt conveyor for subsequent application to the goods. The onserts are held stationary by the suction rails until the lugs on the conveyor engage the onserts, and thereafter the onserts simply slide along the

stationary rails by the force applied to the onserts by the moving lugs. This arrangement is significantly different from Joice where the vacuum rails 42, 44 are spaced from the sheet goods by the conveyor belts 68,70 with the articles.

Accordingly, in the absence of additional art of increased pertinancy it is clear that the present application is in condition for allowance and early notification to that effect is respectfully requested. Should any issues remain after consideration of this response, it is respectfully requested that the Examiner call the undersigned counsel to schedule an interview.

Respectfully submitted,

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